

EXHIBIT A

Case Number: PC-2021-02403
Filed in Providence/Bristol County Superior Court
Submitted: 4/7/2021 10:31 AM
Envelope: 3042075
Reviewer: Jalden H.

**STATE OF RHODE ISLAND
PROVIDENCE, SC.**

SUPERIOR COURT

MICHAEL PAIVA

Plaintiff

vs.

**BOSTON COLLEGE and DOES
1-10, Inclusive
Defendants**

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PC2021-

COMPLAINT

Now comes the Plaintiff, **MICHAEL PAIVA**, (hereinafter "Plaintiff"), by and through his counsel, and herby alleges as follows:

I. JURISDICTION

1. The Plaintiff, Michael Paiva (hereinafter "Plaintiff"), at all times material hereto, was a resident of the Town of Smithfield, County of Providence, State of Rhode Island.
2. The Defendant, Boston College (hereinafter "Defendant" or "BC"), a private university, is an entity doing, transacting and/or soliciting business in the Commonwealth of Massachusetts as well as outside the Commonwealth of Massachusetts and has its principal place of business in Suffolk County at 140 Commonwealth Avenue, Chestnut Hill, MA 02467. Defendant is an entity doing business that employs more that 600 faculty members, with an enrollment of more than 14,000 students drawn from all 50 states, including the State of Rhode Island.
3. Plaintiff is without knowledge of the names and addresses of any individual or corporate defendants who may be, in any way, responsible for the injuries sustained as set forth herein. Upon learning the names, addresses of said Doe Defendants, Plaintiff will seek leave of this Court to add the currently unknown Doe Defendants by amending the current complaint.

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II. FACTS

4. The Silvio O. Conte Forum (hereinafter "Forum") is Defendant's 8,600 seat arena venue for, *inter alia*, its basketball and hockey teams. The Forum is located at 2601 Beacon Street, Chestnut Hill, Massachusetts. The Forum's main concourse contains concession stands and souvenir shops.
5. That on or about December 6, 2019, Plaintiff attended the *BC v. Notre Dame* Hockey Game at the Forum.
6. While at the Forum, owned and operated by Defendant, Plaintiff was walking on the concourse level and slipped on a puddle of water or other liquid and fell down onto his flexed right knee. Plaintiff immediately experienced pain. The area upon which Plaintiff fell was wet and caused Plaintiff to slip and fall, causing him severe injuries more fully described below.
7. Plaintiff was not able to move from the position in which he fell and was initially treated by an EMT.
8. There were witnesses to Plaintiff's slip and fall at the Forum.
9. That on or about December 6, 2019, and at all times material hereto, Plaintiff was acting in a reasonable, prudent manner and exercising due care while walking on the concourse level at the Forum.
10. Solely as a result of the failure of the Defendant to properly maintain and clear all common areas of water or other liquids on its floor, Plaintiff sustained serious and severe injuries to his person, including, but not limited to, the following injuries: X-rays revealed a fracture at the kneecap; soreness, pain, swelling and discoloration to the right leg; post-traumatic pain in the right knee; anxiety; and other serious and severe personal injuries.
11. Solely as a result of the injuries aforementioned, Plaintiff has incurred damages, including:
 - a. Medical expenses;
 - b. Lost wages;
 - c. Loss of business opportunities and bonuses;
 - d. He has, may and probably will for an indefinite time in the future suffer great pain, inconvenience, embarrassment, and mental anguish;
 - e. He has, may, and probably will for an indefinite time in the future be deprived of ordinary pleasures of life, loss of well-being, and equanimity; and
 - f. His overall health, strength and vitality have been greatly impaired.

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III.
COUNT I

NEGLIGENCE OF THE DEFENDANT

12. The Plaintiff incorporates herein by reference hereto the allegations of paragraphs 1 through 11 above as if more fully set forth herein at length.
13. The aforesaid incident occurred as a result of and was proximately caused by the careless, negligent, grossly careless, and reckless conduct of the Defendant, which consisted, *inter alia*, of the following particulars:
 - a. Failing to properly supervise its property in question so as to furnish to the Plaintiff, a safe concourse within which to walk, free from hazards, as causing or likely to cause the serious physical harm to the Plaintiff and others;
 - b. Failing to maintain the above Forum and concourse in a safe condition to ensure that the Plaintiff would not be caused to slip and fall as a result of the water and/or other liquid which existed, and which was known or should have been known to the Defendant;
 - c. Failing to properly inspect the concourse wherein the Plaintiff was caused to fall as a result of not removing spilled water or other liquids;
 - d. Failing to maintain the premises owned by the Defendant in good and safe condition for the Plaintiff and others;
 - e. Otherwise failing to exercise the degree of care required under the circumstances; and
 - f. Otherwise, being negligent.
14. As a result of the aforesaid conduct and breach of care of the Defendant, Plaintiff sustained the injuries, losses, and damages which were more fully described above, without any negligence of the Plaintiff contributing thereto.

IV. PRAYER

WHEREFORE, your Plaintiff prays that a judgment be entered against the Defendant in an amount provable at trial based on the following:

- a. Physical injury to Plaintiff as well as pain and suffering.

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- b. Lost wages, medical expenses and out of pocket expenses.
- c. Emotional distress caused to Plaintiff.
- d. All costs of suit including attorney's fees, expert fees, and related costs.
- e. Any and all relief, compensation, or measure of damages available to Plaintiffs based on injuries and damages suffered by Plaintiffs.
- f. Pre-judgment interest.
- g. Post-judgment interest.
- h. Any and all further relief that this Honorable Court deems appropriate.
- i. That there be a jury trial on all issues so triable.

This the 31st day of March 2021.

PLAINTIFF
MICHAEL PAIVA
By his Attorney,

/s/ Kevin D. Heitke
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 - c. Failing to properly inspect the concourse wherein the Plaintiff was caused to fall as a result of not removing spilled water or other liquids;
 - d. Failing to maintain the premises owned by the Defendant in good and safe condition for the Plaintiff and others;
 - e. Otherwise failing to exercise the degree of care required under the circumstances; and
 - f. Otherwise, being negligent.
14. As a result of the aforesaid conduct and breach of care of the Defendant, Plaintiff sustained the injuries, losses, and damages which were more fully described above, without any negligence of the Plaintiff contributing thereto.

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By his Attorney,

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